

AMENDED IN SENATE APRIL 30, 2007

AMENDED IN SENATE APRIL 25, 2007

AMENDED IN SENATE MARCH 12, 2007

**SENATE BILL**

**No. 126**

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**Introduced by Senator Harman**

(Principal coauthor: Assembly Member Maze)

(Coauthors: Assembly Members Cook, DeVore, Horton, Huff, and  
Karnette)

January 23, 2007

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An act to amend Section 51210.8 of the Education Code, and to amend Section 11165.7 of the Penal Code, relating to pupil instruction *child abuse*.

LEGISLATIVE COUNSEL'S DIGEST

SB 126, as amended, Harman. ~~Health education content standards: child~~ *Child* abuse and neglect prevention.

~~Existing law requires the State Board of Education to adopt, on or before March 1, 2008, content standards in the curriculum area of health education and requires the content standards to provide a framework for instruction that a school may offer in that curriculum area.~~

~~This bill would require the content standards to include instruction on preventing child abuse and neglect.~~

Existing law defines who is a mandated reporter of suspected child abuse and includes specified local agency employees. It requires employers of mandated reporters to provide specified training.

This bill would, in addition, require employers to provide their employees who are mandated reporters with training resources on how to recognize specified types of crimes against children.

Because this bill would require additional duties for local officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. (a) The Legislature hereby finds and declares~~  
 2     ~~all of the following:~~  
 3     ~~(1) There are three major causes of death to children: cancer,~~  
 4     ~~accidents, and child abuse.~~  
 5     ~~(2) Every cause of childhood death has declined in the last 25~~  
 6     ~~years, except child abuse.~~  
 7     ~~(3) According to the United States Department of Health and~~  
 8     ~~Human Services, each week child protective services agencies~~  
 9     ~~throughout the United States receive more than 50,000 reports of~~  
 10    ~~suspected child abuse or neglect.~~  
 11    ~~(4) Tragically, every day an average of three children die as a~~  
 12    ~~result of child abuse or neglect.~~  
 13    ~~(5) Children of all races and ethnicities experience child abuse.~~  
 14    ~~(6) The impact of even a single incidence of child abuse can~~  
 15    ~~extend many years, even a lifetime.~~  
 16    ~~(b) It is, therefore, the intent of the Legislature to enact~~  
 17    ~~legislation that will result in the education of children in California~~  
 18    ~~regarding how to recognize a potential child abuse situation in~~  
 19    ~~advance and the understanding and skill on how to handle or avoid~~  
 20    ~~it.~~  
 21    ~~(c) It is further the intent of the Legislature to enact legislation~~  
 22    ~~to establish educational requirements in order to help children in~~  
 23    ~~California to be safer by having an understanding about dangerous~~  
 24    ~~and potentially dangerous circumstances and knowledge and~~  
 25    ~~confidence on how best to handle or resist them.~~

1     ~~SEC. 2.~~ Section 51210.8 of the Education Code is amended to  
2 read:

3     ~~51210.8. (a) On or before March 1, 2008, based on~~  
4 ~~recommendations of the Superintendent, the state board shall adopt~~  
5 ~~content standards in the curriculum area of health education.~~

6     ~~(b) The content standards shall provide a framework for~~  
7 ~~instruction that a school may offer in the curriculum area of health~~  
8 ~~education. The content standards shall include, but not be limited~~  
9 ~~to, instruction on preventing child abuse and neglect. This section~~  
10 ~~does not require a school to follow the content standards.~~

11     ~~(c) The content standards described in subdivision (a) shall only~~  
12 ~~be developed if sufficient funds from any source are made available~~  
13 ~~for that purpose, including state, federal, or private sources.~~

14     ~~SEC. 3.~~

15     ~~SECTION 1.~~ Section 11165.7 of the Penal Code is amended  
16 to read:

17     ~~11165.7. (a) As used in this article, “mandated reporter” is~~  
18 ~~defined as any of the following:~~

19     ~~(1) A teacher.~~

20     ~~(2) An instructional aide.~~

21     ~~(3) A teacher’s aide or teacher’s assistant employed by any~~  
22 ~~public or private school.~~

23     ~~(4) A classified employee of any public school.~~

24     ~~(5) An administrative officer or supervisor of child welfare and~~  
25 ~~attendance, or a certificated pupil personnel employee of any public~~  
26 ~~or private school.~~

27     ~~(6) An administrator of a public or private day camp.~~

28     ~~(7) An administrator or employee of a public or private youth~~  
29 ~~center, youth recreation program, or youth organization.~~

30     ~~(8) An administrator or employee of a public or private~~  
31 ~~organization whose duties require direct contact and supervision~~  
32 ~~of children.~~

33     ~~(9) Any employee of a county office of education or the~~  
34 ~~California Department of Education, whose duties bring the~~  
35 ~~employee into contact with children on a regular basis.~~

36     ~~(10) A licensee, an administrator, or an employee of a licensed~~  
37 ~~community care or child day care facility.~~

38     ~~(11) A Head Start program teacher.~~

39     ~~(12) A licensing worker or licensing evaluator employed by a~~  
40 ~~licensing agency as defined in Section 11165.11.~~

- 1 (13) A public assistance worker.
- 2 (14) An employee of a child care institution, including, but not  
3 limited to, foster parents, group home personnel, and personnel of  
4 residential care facilities.
- 5 (15) A social worker, probation officer, or parole officer.
- 6 (16) An employee of a school district police or security  
7 department.
- 8 (17) Any person who is an administrator or presenter of, or a  
9 counselor in, a child abuse prevention program in any public or  
10 private school.
- 11 (18) A district attorney investigator, inspector, or local child  
12 support agency caseworker unless the investigator, inspector, or  
13 caseworker is working with an attorney appointed pursuant to  
14 Section 317 of the Welfare and Institutions Code to represent a  
15 minor.
- 16 (19) A peace officer, as defined in Chapter 4.5 (commencing  
17 with Section 830) of Title 3 of Part 2, who is not otherwise  
18 described in this section.
- 19 (20) A firefighter, except for volunteer firefighters.
- 20 (21) A physician, surgeon, psychiatrist, psychologist, dentist,  
21 resident, intern, podiatrist, chiropractor, licensed nurse, dental  
22 hygienist, optometrist, marriage, family and child counselor,  
23 clinical social worker, or any other person who is currently licensed  
24 under Division 2 (commencing with Section 500) of the Business  
25 and Professions Code.
- 26 (22) Any emergency medical technician I or II, paramedic, or  
27 other person certified pursuant to Division 2.5 (commencing with  
28 Section 1797) of the Health and Safety Code.
- 29 (23) A psychological assistant registered pursuant to Section  
30 2913 of the Business and Professions Code.
- 31 (24) A marriage, family, and child therapist trainee, as defined  
32 in subdivision (c) of Section 4980.03 of the Business and  
33 Professions Code.
- 34 (25) An unlicensed marriage, family, and child therapist intern  
35 registered under Section 4980.44 of the Business and Professions  
36 Code.
- 37 (26) A state or county public health employee who treats a minor  
38 for venereal disease or any other condition.
- 39 (27) A coroner.

1 (28) A medical examiner, or any other person who performs  
2 autopsies.

3 (29) A commercial film and photographic print processor, as  
4 specified in subdivision (e) of Section 11166. As used in this  
5 article, “commercial film and photographic print processor” means  
6 any person who develops exposed photographic film into negatives,  
7 slides, or prints, or who makes prints from negatives or slides, for  
8 compensation. The term includes any employee of such a person;  
9 it does not include a person who develops film or makes prints for  
10 a public agency.

11 (30) A child visitation monitor. As used in this article, “child  
12 visitation monitor” means any person who, for financial  
13 compensation, acts as monitor of a visit between a child and any  
14 other person when the monitoring of that visit has been ordered  
15 by a court of law.

16 (31) An animal control officer or humane society officer. For  
17 the purposes of this article, the following terms have the following  
18 meanings:

19 (A) “Animal control officer” means any person employed by a  
20 city, county, or city and county for the purpose of enforcing animal  
21 control laws or regulations.

22 (B) “Humane society officer” means any person appointed or  
23 employed by a public or private entity as a humane officer who is  
24 qualified pursuant to Section 14502 or 14503 of the Corporations  
25 Code.

26 (32) A clergy member, as specified in subdivision (d) of Section  
27 11166. As used in this article, “clergy member” means a priest,  
28 minister, rabbi, religious practitioner, or similar functionary of a  
29 church, temple, or recognized denomination or organization.

30 (33) Any custodian of records of a clergy member, as specified  
31 in this section and subdivision (d) of Section 11166.

32 (34) Any employee of any police department, county sheriff’s  
33 department, county probation department, or county welfare  
34 department.

35 (35) An employee or volunteer of a Court Appointed Special  
36 Advocate program, as defined in Rule 1424 of the California Rules  
37 of Court.

38 (36) A custodial officer as defined in Section 831.5.

39 (37) Any person providing services to a minor child under  
40 Section 12300 or 12300.1 of the Welfare and Institutions Code.

1 (b) Except as provided in paragraph (35) of subdivision (a),  
 2 volunteers of public or private organizations whose duties require  
 3 direct contact with and supervision of children are not mandated  
 4 reporters but are encouraged to obtain training in the identification  
 5 and reporting of child abuse and neglect and are further encouraged  
 6 to report known or suspected instances of child abuse or neglect  
 7 to an agency specified in Section 11165.9.

8 (c) Employers are strongly encouraged to provide their  
 9 employees who are mandated reporters with training in the duties  
 10 imposed by this article. This training shall include training in child  
 11 abuse and neglect identification and training in child abuse and  
 12 neglect reporting. Whether or not employers provide their  
 13 employees with training in child abuse and neglect identification  
 14 and reporting, the employers shall provide their employees who  
 15 are mandated reporters with the statement required pursuant to  
 16 subdivision (a) of Section 11166.5. Employers shall also provide  
 17 their employees who are mandated reporters with written materials,  
 18 information on training programs, seminars, and conferences, or  
 19 other online materials, information, and resources that instruct on  
 20 how to recognize physical abuse; sexual abuse; child exploitation,  
 21 child pornography and child prostitution; severe or general neglect;  
 22 extreme corporal punishment resulting in injury; willful cruelty  
 23 or unjustifiable punishment; and abuse or neglect in out-of-home  
 24 care.

25 (d) School districts that do not train their employees specified  
 26 in subdivision (a) in the duties of mandated reporters under the  
 27 child abuse reporting laws shall report to the State Department of  
 28 Education the reasons why this training is not provided.

29 (e) Unless otherwise specifically provided, the absence of  
 30 training shall not excuse a mandated reporter from the duties  
 31 imposed by this article.

32 (f) Public and private organizations are encouraged to provide  
 33 their volunteers whose duties require direct contact with and  
 34 supervision of children with training in the identification and  
 35 reporting of child abuse and neglect.

36 ~~SEC. 4.~~

37 *SEC. 2.* If the Commission on State Mandates determines that  
 38 this act contains costs mandated by the state, reimbursement to  
 39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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